

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
August 11, 2015

President Wepler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Todd Gaines, Jay Justice, and Scott Adams. Trustee Garrity was absent.

PROCLAMATION – Libertyville Cooperative Nursery School

President Wepler proclaimed August 22, 2015 as Libertyville Cooperative Nursery School Day in recognition of 70 years of service for the good of Libertyville and the surrounding communities. Representatives of the school were on hand to receive the award. The school's director Adrian Johnson and President Arian Colton spoke briefly about the school and thanked the Village for recognizing its impact on generations of Libertyville children.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had anything to bring before the Board that was not already listed on the agenda. There were none.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the July 28, 2015 Meeting
- B. Bills for Approval
- C. **ORDINANCE 15-O-66: Approve Fence Variation for 1331 Forever Avenue**
- D. Authorize Contract for Removal of Bolander Hockey Rink
- E. Approve Traffic Enforcement Agreement – 1008 N. Milwaukee Avenue
- F. Approve Traffic Enforcement Agreement – 1757 N. Milwaukee Avenue
- G. Approve Traffic Enforcement Agreement – 603 and 607 W. Park Avenue
- H. Approve Raffle License Request – Youth and Family Counseling
- I. Approve Raffle License Request – Sunrise Rotary Club

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams

NAYS: None

ABSENT: Trustee Garrity

PLAN COMMISSION REPORT: Advocate Healthcare – 825 S. Milwaukee Avenue

President Wepler introduced a Plan Commission report regarding a request from Advocate Health Care for an amendment to the Special Use Permit for a Planned Development Master Plan – Development Zone E to allow for ambulatory surgery,

ambulatory surgery centers and clinics, as permitted uses. This would allow for the construction of an Ambulatory Surgical Treatment Surgery Center within Development Zone E, which is not included in the approved list of land uses for Zone E. Part of the Advocate Condell Medical Center Planned Development, Development Zone E, is approximately 10.2 acres and is located at the southwest corner of Condell Drive and Milwaukee Avenue. The purpose is to provide easily accessible outpatient surgical care on the Advocate Condell Medical Center campus in a more convenient setting for patients. Currently listed as permitted in Development Zones C, D, F, G, and H, the petitioner requested that Development Zone E also include ambulatory surgery, ambulatory surgical centers and clinics as permitted uses. The Mayor then asked for questions and comments.

Mr. Jim Babowice, attorney for the petitioner, noted that the matter was really a two-part issue concerning the application and the ARC façade approval. Mr. Matt Primack of Advocate Condell Medical Center noted the growth in ambulatory surgery. Director of Community Development John Spoden added that the full public hearing process had been completed. The Mayor requested that more trees be added to the site, and Trustee Justice expressed concern about the sidewalk along Milwaukee Avenue. Mr. Peter Messina, Advocate Condell, explained that the sidewalks would be moved back on the property, and with an easement, would become a public sidewalk. Clarifying the issues, the Mayor explained that the Board would vote on the Plan Commission recommendation and the ARC report would become part of the Omnibus Vote Agenda at the next Board meeting.

Trustee Johnson moved to concur with the Plan Commission and approve the Amendment to the Special Use Permit. Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, Adams, and President Wepler

NAYS: None

ABSENT: Trustee Garrity

ORDINANCE 15-O-67: Amend Lease Agreement with Verizon Wireless – 200 E. Cook

President Wepler reported that on July 23, 2010, the Village and Chicago SMSA Limited Partnership, d/b/a Verizon Wireless, entered into a Lease Agreement to allow Verizon to construct communications equipment on Village property at 200 E. Cook Avenue. In addition to the lease rights, certain easement rights were also referenced in the Lease Agreement. Verizon and Village Staff have agreed that the location of the easement rights should be relocated to better reflect the needs of Verizon and the Village. The ordinance and amendment to the Lease Agreement provided for the revision to the easement locations. The Mayor asked for questions and comments. He asked for clarification of the difference in the second agreement. Director of Public Works John Heinz stated that there were minor language changes regarding easement and the terms of the lease.

Trustee Adams moved to approve the Ordinance and Lease Amendment, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams

NAYS: None

ABSENT: Trustee Garrity

LSC LEASED SPACE

A. Approve Lease Termination Agreement with Palmen Ventures

President Wepler explained that the Village entered into a lease with Palmen Ventures, Inc. in September 2008 for approximately 5,862 sq. ft. of space at the Libertyville Sports Complex for an Athletic Republic training facility. Mr. Jon Palmen, owner of the franchise, has continued to express interest in either amending or terminating his Lease Agreement with the Village. Another tenant of space at the LSC, Mr. Larry Lentz of Lake County Athletic and Boxing Club/Tough Man Cross Training, has expressed formal interest in taking of the Athletic Republic space and is willing to pay a greater amount of rent than Palmen Ventures.

Mr. Palmen and the Village have previously amended the Lease Agreement several times to reduce the rent amount, and Mr. Palmen's interest in amending or terminating his Lease Agreement stems from his inability to pay the scheduled increase in rent due in March 2016. The Parks and Recreation Committee and Village Staff have had several discussions regarding this matter, and the Committee recommended that the Mayor and Village Board approve the Termination Agreement with Mr. Palmen and Athletic Republic and enter into a new Lease Agreement with Mr. Lentz. Mr. Palmen and Village Staff have negotiated an early termination fee of \$10,000, and the Committee and Village Staff recommend approval of the Termination Agreement, effective August 15, 2015, and subject to the Village entering into a new lease for the same space with Mr. Larry Lentz. The Mayor asked for questions and comments.

Trustee Johnson asked if there would be a time overlap and no lull leases. Director of Recreation and Sports Complex Connie Kowal said there would be no lull. Trustee Justice asked if there would be required construction. Administrator Bowens said that there would only be required cosmetic changes. Anything else would require a building permit.

Trustee Gaines moved to approve the agreement, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams

NAYS: None

ABSENT: Trustee Garrity

B. ORDINANCE 15-O-68: Approve Lease with Larry Lentz

President Wepler explained that Mr. Larry Lentz of Lake County Athletic and Boxing Club/Tough Man Cross Training currently leases balcony space in the Libertyville Sports Complex and is interested in taking over the second floor space previously occupied by

Athletic Republic. The Ordinance and Lease Agreement between Mr. Lentz and the Village of Libertyville has a five-year term and includes \$41,000 in rent per year with 2% annual increases through 2020. Mr. Lentz will continue utilization of the balcony space at \$10,800 in rent per year with an increase of 2% through 2020 (total first year rent of \$51,800). The rent included in the Lease is within what the Staff had determined to be the fair market value of LSC space. The rent is also greater than the rent previously paid by Athletic Republic of \$35,000 per year for the second floor space. Mr. Lentz plans on utilizing the space for various types of athletic conditioning and training, including cross fit training, triathlon training, running, boxing, kickboxing, mixed martial arts, and wrestling. Mr. Lentz will be installing a boxing ring in the second floor space. The Parks and Recreation Committee and Village Staff have met with Mr. Lentz to discuss and finalize the Lease Agreement and recommend that the Mayor and Village Board approve the Ordinance and Lease Agreement between the Village and Larry Lentz. Trustee Johnson moved to approve the Ordinance approving the Lease Agreement, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams
NAYS: None
ABSENT: Trustee Garrity

ORDINANCE 15-O-69: Authorize Eminent Domain – 911 W. Park

President Wepler explained that as part of the rehabilitation of the watermain along Park Avenue, the Village has been obtaining easement agreements from property owners along Park Avenue. Village Staff has been unable to obtain a voluntary easement agreement with the owners of the property located at 911 W. Park Avenue, David and Karen Strampel. Schmidt Appraisal Company provided an appraisal of the proposed utility easement, and an offer was recently made on behalf of the Village to obtain permanent easement. To date there has been no response to the offer. The ordinance formally authorizes the Village Administrator to negotiate for the acquisition of easement rights at 911 W. Park Avenue and further authorizes the commencement of eminent domain proceedings to acquire those rights in the event that the negotiations are unsuccessful. The Mayor asked for questions and comments.

Trustee Adams moved to adopt the ordinance, and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams
NAYS: None
ABSENT: Trustee Garrity

ORDINANCE 15-O-70: Authorize Eminent Domain – 915 W. Park

President Wepler explained that as part of the rehabilitation of the watermain along Park Avenue, the Village has been obtaining easement agreements from property owners along Park Avenue. Village Staff has been unable to obtain a voluntary easement agreement

with the owners of the property located at 915 W. Park Avenue, David and Karen Strampel. Schmidt Appraisal Company provided an appraisal of the proposed utility easement, and an offer was recently made on behalf of the Village to obtain permanent easement. To date there has been no response to the offer. The ordinance formally authorizes the Village Administrator to negotiate for the acquisition of easement rights at 915 W. Park Avenue and further authorizes the commencement of eminent domain proceedings to acquire those rights in the event that the negotiations are unsuccessful. The Mayor asked for questions and comments.

Trustee Moras moved to adopt the ordinance, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams

NAYS: None

ABSENT: Trustee Garrity

PETITIONS AND COMMUNICATIONS

Streets Committee Report – Stormwater Detention Requirements

Trustee Johnson reported that at the July 28, 2015 Streets Committee meeting, they heard comments from builders and engineers regarding proposed detention requirements related to construction (mostly single family homes and tear downs in older sections of the Village). Builders felt that this would be an expensive imposition, and they argued that detention storage would have minimal impact on the storm water issues.

Village Staff and engineers believe that some level of protection is needed from the homes being built in areas where standing water in streets, back, front, and side yards displaces onto neighbors as well as the additional impervious areas that are added in older section of the Village.

Builders/engineers and Village Staff will meet to review and discuss the detention system construction information from Elmhurst, Illinois, as a guide/template for a Libertyville program.

Trustee Johnson also explained that the Streets Committee suggested that those permits which have been applied for as of July 28, 2015, would be grandfathered and would not be subject to the requirements, however, Staff reminded the Committee that since April/May 2015, all building permits had language in them indicating that a new ordinance was being considered, and they may be subject to the detention requirements. Trustee Johnson moved to grandfather in those permits applied for by July 28, 2015, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, Justice, and Adams

NAYS: None

ABSENT: Trustee Garrity

President Weppler announced the following:

- The Appearance Review Commission will meet at 7:00 p.m. on Monday, August 17, 2015 at the Village Hall

- The Fire Pension Board will meet at 8:30 a.m. on Tuesday, August 18, 2015 at the North Fire Station
- The Parking Commission will meet at 10:00 a.m. on Tuesday, August 18, 2015
- The Village Board will meet as a Committee of the Whole at 6:00 p.m. on Tuesday, August 18, 2015
- The Economic Development Committee will meet at 7:30 a.m. on Wednesday, August 19, 2015
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, August 24, 2015
- The Streets Committee will meet at 7:00 p.m. on Tuesday, August 25, 2015
- The Village Board will meet at 8:00 p.m. on Tuesday, August 25, 2015

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn at 8:44 p.m. Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal
Village Clerk